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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/083,175 | 02/26/2002 | Dennis Erenberger | 10010753-1 | 5122 |

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AGILENT TECHNOLOGIES,INC.
Legal Department, DL 429
Intellectual Property Administration
P.O. Box 7599
Loveland, CO 80537-0599

| EXAMINER | |
|---|---|
| HARRIS, ANTON B | |
| **ART UNIT** | **PAPER NUMBER** |
| 2831 | |

DATE MAILED: 10/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| Office Action Summary | Application No. | Applicant(s) | |
|---|---|---|---|
| | 10/083,175 | ERENBERGER ET AL. | |
| | Examiner | Art Unit | |
| | Anton B. Harris | 2831 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on *23 August 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *1-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-16, 19, and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Jacobowitz et al. (5,304,969).

Regarding claim 1, Jacobowitz et al. (col. 8, lines 27-67) discloses a cable routing tray, comprising:

a body 10;

a cable routing channel 169 formed on said body 10, said cable routing channel 169 comprising an ingress (see figure 5), an egress (see figure 5), and a guiding path (see figure 5) between said ingress (see figure 5) and egress (see figure 5), a retainer 30, and an aperture (see figure 6).

Regarding claims 2 and 11, Jacobowitz et al. (col. 8, lines 27-67) discloses that said cable routing channel 169 comprises a hollow cavity (see figure 5) formed in said body 10, said ingress (see figure 5) comprising an aperture (see figure 6) into said hollow cavity (see figure 5) and said egress (see figure 5) comprising an aperture (see figure 6) out of said hollow cavity (see figure 5).

Regarding claims 3 and 12, Jacobowitz et al. (col. 8, lines 27-67) discloses that said body 10 comprises an aperture (see figure 6) into said hollow cavity (see figure 5) in at least one position along said guiding path (see figure 5) of said cable routing channel 169.

Regarding claims 4 and 13, Jacobowitz et al. (col. 8, lines 27-67) discloses that said cable routing channel 169 comprises a groove 155 in said body 10.

Regarding claims 5 and 14, Jacobowitz et al. (col. 8, lines 27-67) discloses that said retainer 30 comprises at least one support structure 68.

Regarding claims 6 and 15, Jacobowitz et al. (col. 8, lines 27-67) discloses that said at least one support structure 68 is a tab (col. 8, line 49).

Regarding claims 7 and 16, Jacobowitz et al. (col. 8, lines 27-67) discloses that said ingress (see figure 5) is located in proximity to a first edge of said body 10; and said egress (see figure 5) is located in proximity to a different edge of said body 10.

Regarding claim 8, Jacobowitz et al. (col. 8, lines 27-67) discloses an electronic instrument comprising:

a housing 10,

an electrical connector (col. 7 line 57) positioned on a first face of said housing; a first cable routing channel 169 formed on a second face of said housing 10, said second face adjacent to said first face of said housing 10, said cable routing channel 169 comprising:

an ingress (see figure 5) in proximity to said electrical connector (col. 7 line 57),

an egress (see figure 5) in proximity to a third face of said housing 10, and

a guiding path (see figure 5) connecting said ingress (see figure 5) and said egress (see figure 5), a retainer 30, and an aperture (see figure 6)..

Regarding claim 9, Jacobowitz et al. (col. 8, lines 27-67) discloses an external cable 23 connected to said electrical connector (col. 7 line 57), said external cable 23 positionable to extend outwards from said first face of said housing 10 or to be routed to said third face of said housing 10 through said first cable routing channel 169.

Regarding claim 10, Jacobowitz et al. (col. 8, lines 27-67) discloses a cable routing tray mounted on said second face of said housing 10, said cable routing tray comprising said first cable routing channel 169.

Regarding claim 19, Jacobowitz et al. (col. 8, lines 27-67) discloses a method comprising:

providing on said instrument 10 a routing channel 169 from said first face of said electronic instrument 10 to said second face of said electronic instrument 10, said routing channel 169 comprising an ingress (see figure 5) in proximity to said electrical connector (col. 7 line 57), an egress (figure 5) in proximity to a third face of said housing 10, and a guiding path (figure 5) connecting said ingress (figure 5) and said egress (figure 5), a retainer 30 for retaining said external cable 23 in said guiding path (figure 5) when said external cable 23 is routed through said guiding path (figure 5) between said ingress (figure 5) and said egress (figure 5), and an aperture (figure 6) for allowing removal of said external cable 23 without removal of said retainer 30.

Regarding claim 20, Jacobowitz et al. (col. 8, lines 27-67) discloses a method including the steps of inserting said external cable 23 into said routing channel 169 such that said external cable 23 enters said routing channel 169 at said ingress (figure 5) and exits said channel 169 at said egress (figure 5).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jacobowitz et al. in view of Bossard et al. (4,805,979).

Regarding claim 17, Jacobowitz et al. discloses the invention substantially as claimed including a retainer 30, and an aperture (see figure 6), but lacks at least one additional cable routing channel formed on a second face of a housing, each of at least one additional cable routing channel comprising a respective ingress in proximity to at least one additional respective electrical connector on a first face of a housing, a respective egress in proximity to a third face or a fourth face of a housing, and a respective guiding path connecting a respective ingress and a respective egress.

Bossard et al. (col. 4, lines 50-60) teaches at least one additional cable routing channel 23, 24 formed on a second face of a housing 15, each of at least one additional cable routing channel 23, 24 comprising a respective ingress 25 in proximity to at least one additional respective electrical connector on a first face of a housing 15 , a respective egress 25 in proximity to a third face or a fourth face of a housing 15, and a respective guiding path (see figure 2) connecting a respective ingress 25 and a respective egress 25.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the device of Jacobowitz et al. by providing at least one additional cable routing channel formed on a second face of a housing, each of at least one additional cable routing channel comprising a respective ingress in proximity to at least one additional respective electrical connector on a first face of a housing, a respective egress in proximity to a third face or a fourth face of a housing, and a respective guiding path connecting a respective ingress and a respective egress in order to protect a splice made into a transmission cable in view of the teachings of Bossard et al.

Furthermore, the limitation of "for outputting said external cable" in claim 17 has been considered, but does not result in a structural difference. It has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations. *Ex parte Masham,* 2 USPQ2d 1647 (1987).

Regarding claim 18, the teachings of Bossard et al. (figure 1) further include that a first cable routing channel 23 comprises a second egress 25 in proximity to a fourth face of a housing 15.

### *Response to Arguments*

5. Applicant's arguments filed 23 August 2005 have been fully considered but they are not persuasive.

Regarding Applicant's arguments that the prior art does not specifically teach a cable routing tray for routing external cables, it has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations. *Ex parte Masham,* 2 USPQ2d 1647 (1987). In the instant application, the fact that claims 1, 5, 8, 14, and 17 recite that the apparatus is for routing external cables has not been given patentable weight.

### *Conclusion*

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anton B Harris whose telephone number is (571) 272-1976. The examiner can normally be reached on weekdays from 8:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Dean Reichard, can be reached on (571) 272-2800 ext 31. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

abh
10/3/05

Dean A. Reichard 10/3/05
DEAN A. REICHARD
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800